

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS****JAMES EVERETT SHELTON**(b) County of Residence of First Listed Plaintiff **MONTGOMERY**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**James Everett Shelton, Plaintiff Pro Se, 316 Covered  
Bridge Road, King of Prussia, PA 19406, 484-626-3942****DEFENDANTS****NEW BRIDGE MERCHANT CAPITAL LLC**County of Residence of First Listed Defendant **MONMOUTH**  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**Unknown****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>IMMIGRATION</b>	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 462 Naturalization Application	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	<b>PRISONER PETITIONS</b>			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<b>Other:</b>			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
47 U.S.C. 227 et. seqBrief description of cause:  
Violations of the TCPA**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**  
28,500.00CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

03/31/2022

SIGNATURE OF ATTORNEY OF RECORD

*James E. Shelton*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 316 Covered Bridge Road, King of Prussia, PA 19406  
 Address of Defendant: 26 Alexis Drive, Farmingdale, NJ 07727  
 Place of Accident, Incident or Transaction: By phone call to Plaintiff's phone in King of Prussia, Pennsylvania

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/31/2022

James E. Shelton  
Must sign here

Attorney-at-Law Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): TCPA, 47 U.S.C. 227

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, James Everett Shelton, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 03/31/2022

James E. Shelton  
Sign here if applicable

Attorney-at-Law Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

JAMES EVERETT SHELTON

CIVIL ACTION

v.

NEW BRIDGE MERCHANT CAPITAL  
LLC, et. al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

03/31/2022

Date

484-626-3942

Telephone

  
Attorney-at-law

FAX Number

Pro Se

Attorney for

jeshelton595@gmail.com

E-Mail Address



**Civil Justice Expense and Delay Reduction Plan  
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS  
(See §1.02 (e) Management Track Definitions of the  
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**James Everett Shelton**  
**316 Covered Bridge Road**  
**King of Prussia, PA 19406**  
**(484) 626-3942**  
**jeshelton595@gmail.com**

**Plaintiff, Pro Se**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES EVERETT SHELTON**  
**316 Covered Bridge Road**  
**King of Prussia, PA 19406**  
**Plaintiff**

**v.**

**NEW BRIDGE MERCHANT CAPITAL  
LLC**  
**26 Alexis Drive**  
**Farmingdale, NJ 07727, &**

**GUISEPPE TURRICIANO, a/k/a**  
**JOSEPH TURRUCIANO**  
**26 Alexis Drive**  
**Farmingdale, NJ 07727**

**Defendants**

No. \_\_\_\_\_

**COMPLAINT:**

Plaintiff, James Everett Shelton, brings this action against Defendants NEW BRIDGE MERCHANT CAPITAL LLC and GUISEPPE TURRICIANO, a/k/a JOSEPH TURRUCIANO, and alleges based on personal knowledge and information, and belief, as follows:

**Preliminary Statement**

1. As the Supreme Court recently explained, “Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. . . . For

nearly 30 years, the people's representatives in Congress have been fighting back." *Barr v. Am. Ass'n of Pol. Consultants LLC*, 140 S. Ct. 2335, 2343 (2020).

2. Plaintiff James Everett Shelton ("Plaintiff") brings this action under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, alleging that NEW BRIDGE MERCHANT CAPITAL LLC and its owner and CEO, GUISEPPE TURRICIANO, a/k/a JOSEPH TURRICIANO sent a series of automated telemarketing calls and text messages for the purposes of commercial solicitation by contacting Plaintiff's cellular telephone number listed on the National Do-Not-Call Registry, which is prohibited by the TCPA.

3. Upon information and belief, NEW BRIDGE MERCHANT CAPITAL LLC is owned, operated, and controlled by GUISEPPE TURRICIANO, a/k/a JOSEPH TURRICIANO.

4. Plaintiff never consented to receive any of these phone calls or text messages, which were placed to him for telemarketing purposes.

#### Parties

5. The Plaintiff is JAMES EVERETT SHELTON ("Plaintiff"), a natural person, resides in King of Prussia, PA 19406, and is a citizen of the Commonwealth of Pennsylvania, and was the individual who received the alleged phone calls in this case on his private mobile telephone, and was a resident of Pennsylvania during the calls, in this case in Montgomery County, Pennsylvania.

6. Defendant NEW BRIDGE MERCHANT CAPITAL LLC ("New Bridge") is a limited liability company organized and existing under the laws of the State of New Jersey, and can be served at its principal place of business located at: 26 Alexis Dr., Farmingdale, NJ 07727. Defendant markets and sells, inter alia, loans and business financing to people in Pennsylvania, and engages in telemarketing into this district, as it did with the Plaintiff.

7. Defendant GUISEPPE TURRICIANO, a/k/a JOSEPH TURRICIANO ("Mr. Turriciano") is, upon information and belief, an adult individual and citizen of the State of New Jersey, who, upon information and belief, resides at 26 Alexis Dr., Farmingdale, NJ 07727, and is a primary owner, CEO, and Managing Member of New Bridge.

### **Jurisdiction & Venue**

8. This Court has federal-question subject matter jurisdiction over Plaintiff's TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a federal statute. *Mims v. Arrow Fin. Servs., LLC*, 556 U.S. 368, 372 (2012).

9. This Court has personal jurisdiction over the Defendants because they have repeatedly placed calls and/or text messages to Pennsylvania residents with Pennsylvania telephone area codes, and derive revenue from Pennsylvania residents, and they sell goods and services to Pennsylvania residents, including the Plaintiff.

10. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b)(1)-(2) in that Defendant conducts business in, and a substantial part of the events giving rise to Plaintiff's claims occurred in Montgomery County, Pennsylvania, and Plaintiff was residing in Pennsylvania for all calls, in King of Prussia, Montgomery County, Pennsylvania. Defendants conducts business in this judicial district by calling Pennsylvania citizens.

### **Statutory Background**

#### **The Telephone Consumer Protection Act**

11. In 1991, Congress enacted the TCPA to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that "[u]nrestricted telemarketing ... can be an intrusive invasion of privacy[.]" Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

#### **The TCPA Prohibits Automated Telemarketing Calls**



12. The TCPA makes it unlawful "to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice ... to any telephone number assigned to a ... cellular telephone service ... or any service for which the called party is charged for the call." See 47 U.S.C. § 227(b)(1)(A)(iii).

13. The TCPA provides a private cause of action to persons who receive calls in violation of 47 U.S.C. § 227(b)(1)(A). See 47 U.S.C. § 227(b)(3).

14. According to findings by the Federal Communication Commission ("FCC"), the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient.

15. The FCC also recognized that "wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used." *In re Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, Report and Order, 18 F.C.C. Rcd. 14014, 14115 ¶ 165 (2003).

16. In 2013, the FCC required prior express written consent for all autodialed or prerecorded telemarketing calls ("robocalls") to wireless numbers and residential lines. Specifically, it ordered that:

[A] consumer's written consent to receive telemarketing robocalls must be signed and be sufficient to show that the consumer: (1) received "clear and conspicuous disclosure" of the consequences of providing the requested consent, i.e., that the consumer will receive future calls that deliver prerecorded messages by or on behalf of a specific seller; and (2) having received this information, agrees unambiguously to receive such calls at a telephone number the consumer designates.[] In addition, the written agreement must be obtained "without requiring, directly or indirectly, that the agreement be executed as a condition of purchasing any good or service.[]"

In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991, 27 F.C.C. Rcd. 1830, 1844 (2012) (footnotes omitted).

The National Do-Not-Call Registry

17. The National Do Not Call Registry allows consumers to register their telephone numbers and thereby indicate their desire not to receive telephone solicitations at those numbers. See 47 C.F.R. § 64.1200(c)(2). A listing on the Registry “must be honored indefinitely, or until the registration is cancelled by the consumer or the telephone number is removed by the database administrator.” Id.

18. The TCPA and implementing regulations prohibit the initiation of telephone solicitations to residential telephone subscribers to the Registry. 47 U.S.C. § 227(c); 47 C.F.R. § 64.1200(c)(2).

19. The TCPA provides a private cause of action to persons who receive calls in violation of § 227(c) or a regulation promulgated thereunder. 47 U.S.C. § 227(c)(5).

20. A text message is considered a “call” under the TCPA. *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663 (2016).

**The TCPA Imposes Personal Liability on Individuals Who Participate In or Commission Telemarketing Calls**

21. Under the TCPA, an individual such as Mr. Dessalines may be personally liable for the acts alleged in this Complaint pursuant to 47 U.S.C. § 217 of the TCPA, which reads, *inter alia*:

[T]he act, omission, or failure of any agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be deemed to be the act, omission, or failure of such carrier or user *as well as of that person*. 47 U.S.C. § 217 (emphasis added).

22. When considering individual officer liability, other Courts have agreed that a corporate officer involved in the telemarketing at issue may be personally liable under the TCPA. See, e.g., *Jackson’s Five Star Catering, Inc., v. Beason*, 2013 U.S. Dist. LEXIS 159985, \*10 (E.D. Mich. Nov.

8, 2013) (“[M]any courts have held that corporate actors can be individually liable for violating the TCPA “where they ‘had direct, personal participation in or personally authorized the conduct found to have violated the statute.’”); *Maryland v. Universal Elections*, 787 F. Supp. 2d 408, 415-16 (D. Md. 2011) (“If an individual acting on behalf of a corporation could avoid individual liability, the TCPA would lose much of its force.”).

23. Mr. Turriciano is personally liable under the “participation theory” of liability because he had direct, personal participation in the conduct that violated the TCPA, or knowingly authorized such conduct. See, e.g., *Physicians Healthsource, Inc. v. Doctor Diabetic Supply, LLC*, No. 12- 22330-CIV, 2015 WL 3644598, at \*3 (S.D. Fla. June 10, 2015).

24. Mr. Turriciano knew of New Bridge’s TCPA violations, and directed employees and/or agents of Plutus to continue making those violations.

25. This is because Mr. Turriciano authorized and oversaw each of New Bridge’s telemarketing processes and calls which were made on behalf of New Bridge.

26. Mr. Turriciano knew, or should have known, that Plaintiff’s telephone number was on the National Do-Not-Call Registry and Pennsylvania’s Do Not Call list long before the text messages were sent, and despite this fact, Mr. Turriciano made the decision to direct his agents and/or employees to call the Plaintiff’s cell phone number without his prior express written consent.

27. Mr. Turriciano makes the day-to-day decisions for New Bridge.

28. Mr. Turriciano made the decision to target Pennsylvania telephone numbers for telemarketing purposes using automated telemarketing calls, includes Plaintiff’s number.

29. Furthermore, Mr. Turriciano is also personally liable because he was responsible for ensuring New Bridge’s agents’ and/or employees’ TCPA compliance.

### **Factual Allegations**



30. Defendants provide loans and business financing services to people in Pennsylvania and nationwide.

31. Defendants routinely violates the TCPA as a part of their business model and knowingly and willfully commit TCPA violations.

**The Telemarketing Calls to the Plaintiff**

32. At all times relevant hereto, Plaintiff maintained and used a residential cellular telephone line, with phone number (484) 626-3942.

33. At all times material hereto, Plaintiff was the subscriber of the telephone number (484) 626-3942 and paid his cell phone bill through T-Mobile.

34. Plaintiff's phone number is his private cell phone number and is used by Plaintiff solely.

35. Plaintiff's phone number is registered with T-Mobile as his personal telephone number and not as a business telephone number.

36. At all times material hereto when the calls as alleged in this case were made to Plaintiff, Plaintiff's telephone number was not held out by Plaintiff as the contact telephone number for any business.

37. Plaintiff's personal cellular telephone number is a "residential" telephone number that he uses for various personal, family, and household purposes, such as sending and receiving emails, timing food when cooking, sending and receiving text messages, calling friends and family while at home, using the phone's alarm function to wake up in the morning, and for navigation purposes.

38. Plaintiff's personal cellular telephone number (484) 626-3942 has been registered on the National Do-Not-Call Registry since June 26, 2015.

39. Plaintiff registered his phone number on the Do Not Call list in order to obtain solitude from invasive and harassing telemarketing calls and text messages. The telemarketing calls prevented Plaintiff from using his phone for legitimate purposes.

40. The Plaintiff has received at least eighteen (18) telemarketing calls between October 18, 2021 and March 23, 2022 to his personal cell phone number 484-626-3942, without his prior express written consent and not related to an emergency purpose, promoting working capital and/or financing services from Defendant.

41. **Call 1:** On October 18, 2021 at 10:13 AM the Plaintiff received a telemarketing call which displayed on his caller identification as 484-245-6147.

42. Plaintiff was connected with a representative calling on behalf of Defendant New Bridge Merchant Capital LLC, "Mark Petraglia", a Senior Funding Consultant who attempted to pitch Defendant New Bridge's loan and/or financial services to the Plaintiff.

43. Plaintiff hung up the phone because he was not interested in Defendants' services after approximately one (1) minute.

44. Plaintiff did not give Defendants or their agents permission to call him back in the future.

45. **Calls 2-3:** Plaintiff received two (2) additional telemarketing calls from Defendants using the caller ID 484-245-6147 on October 28, 2021 at 12:43 PM and October 29, 2021 at 10:31 AM.

46. Plaintiff hung up during Calls #2-3 described above without giving Defendants permission to call back. Both calls lasted approximately one (1) minute.

47. **Call 4:** On November 1, 2021 at 10:40 AM, Plaintiff received a call from caller ID 484-245-6147.

48. Plaintiff answered and was connected with Mr. Petraglia calling on behalf of Defendants.

49. Mr. Petraglia proceeded to attempt to sell Defendants' loan and/or financial products and services to Plaintiff.

50. Plaintiff provided Defendants' representative, Mr. Petraglia, with his e-mail address and feigned interested in the telemarketing pitch for the sole purpose of identifying who was calling and his company's information.

51. The Plaintiff told Mr. Petraglia he would call New Bridge back if he had any questions or was interested in their services; at no time did Plaintiff give Defendants permission for future telephone communications such as texts or calls.

52. As a direct result of Call #4, Plaintiff received an e-mail from "Mark Petraglia", [mark@newbridgmerchantcapital.com](mailto:mark@newbridgmerchantcapital.com) at 10:47 AM (just two minutes after the call ended), which attempted to get the Plaintiff to fill out a funding application with New Bridge.

53. **Call 5 (text message):** At 10:52 AM (just a few minutes later), the Plaintiff received a text message from phone number 732-962-4843. A true and correct screenshot of the text message is attached as Exhibit "1".

54. **Call 6:** Defendants called Plaintiff on November 5, 2021 at 12:57 PM attempting to promote Defendants' products and services.

55. Plaintiff hung up the phone because he was not interested.

56. **DNC Request:** Plaintiff sent an e-mail to Defendants' representative, Mr. Petraglia, on November 26, 2021 at 11:35 PM which said "Stop calling me." A true and correct copy of this e-mail is attached as Exhibit "2".

57. **Calls 7-11:** Plaintiff received five (5) missed calls from Defendants between December 10, 2021 and January 17, 2022 from caller ID 484-245-6147



**58. Call 12:** On January 18, 2022 at 10:34 AM, the Plaintiff received a telephone call from caller ID 484-245-6147, and upon answering, Plaintiff spoke with “Mohammed Sabbir”, a Senior Funding Consultant with New Bridge.

**59.** Mr. Sabbir proceeded to attempt to sell Defendants’ loan and/or financial products and services to Plaintiff.

**60.** Plaintiff provided Defendants’ representative, Mr. Sabbir, with his e-mail address and feigned interested in the telemarketing pitch for the sole purpose of identifying who was calling and his company’s information.

**61.** The Plaintiff did not give Defendants permission to call back.

**62. Call 13 (text message):** At 10:37 AM, Plaintiff received a text message from phone number 518-635-0378, which contained Mr. Sabbir’s contact information.

**63.** At 10:38 AM, Plaintiff received an e-mail from Mr. Sabbir, [moe@newbridgmerchantcapital.com](mailto:moe@newbridgmerchantcapital.com) with the subject line: “Request For 3 Months Of Bank Statements”.

**64. Call 14 (text message):** At 11:33 AM, the Plaintiff received another text message from phone number 518-635-0378 regarding a “funding application” Defendant wanted the Plaintiff to fill out.

**65. DNC Request:** Plaintiff responded to the e-mail, writing “Please stop calling me”. A true and correct copy of this e-mail is attached as Exhibit “2”.

**66.** Mr. Sabbir confirmed receipt of Plaintiff’s e-mail by replying to it just two (2) minutes later at 11:54 AM.

**67. Call 15 (text message):** Plaintiff received another text message from Mr. Sabbir at 11:59 AM from phone number 518-635-0378. In this text, Mr. Sabbir denied previously calling the

Plaintiff, yet in the same text message, said he and the Plaintiff “had a great conversation”. See Exhibit “3”, true and correct copies of said text messages.

**68. Calls 17-18:** Plaintiff received two (2) additional missed calls from phone number 484-245-6147 on February 7, 2022 at 5:46 PM and March 23, 2022 at 12:38 PM, respectively.

**69.** The following is a table detailing the phone calls sent by Defendants to the Plaintiff’s cell phone number:

Call Number	Date:	Time	Caller ID:	Notes:
1	10/18/2021	10:13 AM	484-245-6147	Call lasted one minute
2	10/28/2021	12:43 PM	484-245-6147	Call lasted one minute
3	10/29/2021	10:31 AM	484-245-6147	Call lasted one minute
4	11/1/2021	10:40 AM	484-245-6147	Call lasted five minutes. Received e-mail from Mark Petraglia at 10:47 AM.
5	11/1/2021	10:52 AM	732-962-4843	Text from Mark with New Bridge – asking if I got the email he sent over with the application link. 732-962-4843.
6	11/5/2021	12:57 PM	484-245-6147	Call lasted one minute.
	11/26/2021	11:35 PM	DNC EMAIL	Emailed Mark Petraglia, “Stop calling me.”
7	12/10/2021	2:15 PM	484-245-6147	Missed call & voicemail lasting 4 seconds, no message actually left just background noise.
8	12/28/2021	1:49 PM	484-245-6147	Missed Call
9	12/28/2021	3:27 PM	484-245-6147	Missed Call
10	1/4/2022	11:08 AM	484-245-6147	Missed Call
11	1/17/2022	1:10 PM	484-245-6147	Missed Call

13	1/18/2022	10:34 AM	484-245-6147	3-minute sales call from "Mohammed Sabbir" with New Bridge.
14	1/18/2022	10:37 AM	518-635-0378	Text message with Mohammed Sabbir's contact information. Received e-mail at 10:38 AM from Mr. Sabbir.
15	1/18/2022	11:33 AM	518-635-0378	Text from Mr. Sabbir: "As per conversation, email was sent. Let me know once you finish the application and I will work on it right away. Looking forward to hearing from you."
	1/18/2022	11:52 AM	DNC EMAILS	Email to Mr. Sabbir: "Please stop calling me." Mr. Sabbir responds at 11:54 AM: "I didn't call you once, just texted and emailed you?" He then wrote at 11:55 AM "You may have got me confused with someone else." I wrote back at 11:57 AM: "I'm not confused – I received a text message from you and a phone call." Emailed Mr. Sabbir at 12:07 PM: "Please send me a copy of your company's Do Not Call policy."
16	2/4/2022	11:59 AM	518-635-0378	Text from Mr. Sabbir
17	2/7/2022	5:46 PM	201-582-3279	Missed Call
18	3/23/2022	12:38 PM	201-582-3279	Missed Call

**70.** Plaintiff did not want or need a loan or any financing.

**71.** Defendants did not have the Plaintiff's prior express written consent to make any of these calls.

**72.** Prior to these unsolicited telephone communications, the Plaintiff has never done any business with Defendants and Plaintiff never provided Defendants with his cellular telephone number.



73. To the extent Defendants contends that they obtained consent or agreement from Plaintiff for the calls at issue here, the Telemarketing Sales Rule, 16 C.F.R. § 310.5(a)(5), requires that such records be maintained. In any event, consent is an affirmative defense under the TCPA, this defense is unavailable unless Defendants can show that they had prior express consent in writing, and that they have otherwise complied with all of the requirements of 47 C.F.R. § 64.1200(c)(2), including maintaining written procedures on national do-not-call rules, training personnel on national do-not-call rules, maintaining an internal do-not-call list, and accessing the national do-not-call database no more than 31 days prior to making any calls, and maintaining records documenting such access. Defendants did not have prior express written consent to such calls from Plaintiff.

74. Plaintiff pays for each incoming and outgoing call on his telephone under an unlimited calling arrangement, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii).

75. Plaintiff received the calls on his private mobile telephone, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii). Plaintiff's telephone number is registered with T-Mobile as a cellular telephone number and is used for personal purposes.

76. These telephone solicitations constituted "calls" under the TCPA that were not for emergency purposes.

77. Defendants are not an organization exempt from the TCPA.

78. Defendants' calls to Plaintiff were "telephone solicitations" as defined by the TCPA.

79. Defendants' calls to Plaintiff were "unsolicited advertisements" as defined by the TCPA.

80. Plaintiff was harmed by these calls. Plaintiff was temporarily deprived of legitimate use of his phone because of the text message and telephone call notifications, and his privacy was improperly invaded. Moreover, these calls injured Plaintiff because they were frustrating,

obnoxious, annoying, were a nuisance and disturbed the solitude of plaintiff. The calls caused Plaintiff's cell phone battery's depletion, used up cellular data, and prevented Plaintiff from otherwise using his telephone for lawful purposes.

**Defendants Contacted Plaintiff via Automated Text Message without a DNC Policy**

81. Pursuant to 47 CFR § 64.1200(d)(1), a telemarketer is required, upon request, to send a consumer a written copy of their company Do-Not-Call Policy.

82. Upon information and belief, at all times material hereto, Defendants did not have a "Do-Not-Call Policy" in place.

83. On January 18, 2022 at 12:07 PM, Plaintiff emailed Defendants and asked for a copy of their Do-Not-Call policy.

84. This e-mail was successfully delivered to Defendant.

85. Defendant failed and/or refused to provide a "Do-Not-Call Policy" to Plaintiff, despite more than thirty (30) days elapsing since the January 18, 2022 e-mail was sent to Defendants, with no response from Defendants whatsoever.

86. Plaintiff avers that this is because Defendant does not have a DNC policy in place.

87. All of the calls in this case occurred when Defendants did not have a written policy, available on demand, for maintaining a do-not-call list

**Causes Of Action**

**First Cause of Action**

(Negligent Violation of the TCPA "Sales Call/DNC" Prohibition, 47 U.S.C. § 227(c) et seq.)

88. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

**89.** Defendants called Plaintiff's private residential telephone number which was successfully registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls, in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2).

**90.** Plaintiff was statutorily damaged at least eighteen (18) times under 47 U.S.C. § 227(c)(3)(F) by the Defendants by the telephone calls described above, in the amount of \$500.00 per call.

**91.** As a result of Defendants' and Defendants' agents' violations of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2), Plaintiff seeks for himself \$500.00 in statutory damages for each and every violation, pursuant to 47 U.S.C. § 227(c)(3)(F).

**92.** Pursuant to 47 U.S.C. § 227(b)(3)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

#### **Second Cause of Action**

(Knowing and/or Willful Violation of the TCPA  
"Sales Call/DNC" Prohibition, 47 U.S.C. § 227 et seq.)

**93.** Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

**94.** Defendants called Plaintiff's private residential telephone number which was successfully registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls, in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2).

**95.** Plaintiff was statutorily damaged at least eighteen (18) times under 47 U.S.C. § 227(c)(3)(F) by the Defendants by the telemarketing calls described above, in the trebled amount of \$1,500.00 per call.

**96.** As a result of Defendants' and Defendants' agents' knowing and/or willful violations



of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), Plaintiff seeks for himself treble damages, as provided by statute, up to \$1,500.00 for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

**Third Cause of Action**

(Negligent Violation of the TCPA's Implementing Regulations,  
"Do Not Call Policy" Requirement, 47 C.F.R. 64.1200(d)(1))

97. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.
98. Defendant failed and/or refused to provide Plaintiff with a copy of their Do-Not-Call Policy, after Plaintiff requested one in writing on February 2, 2022 via email.
99. Defendant sent twenty (20) text messages to the Plaintiff without having a Do-Not-Call Policy or Do-Not-Call procedures in place.
100. As a result of Defendant's and Defendant's agents' negligent violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$500 in statutory damages, pursuant to the implied private right of action.
101. Plaintiff was statutorily damaged one (1) time under 47 U.S.C. § 227(c)(3)(F) and 47 C.F.R. § 64.1200(d)(1) by the Defendant when they failed and/or refused to provide Plaintiff with a copy of Defendant's Do-Not-Call policy, in the amount of \$500.00.

**Fourth Cause of Action**

(Knowing and/or Willful Violation of the TCPA's Implementing Regulations,  
"Do Not Call Policy" Requirement, 47 C.F.R. 64.1200(d)(1))

102. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.
103. As a result of Defendant's and Defendant's agents' negligent violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$500 in statutory damages, pursuant to the implied private right of action.

**104.** Plaintiff was statutorily damaged one (1) time under 47 U.S.C. § 227(c)(3)(F) and 47 C.F.R. § 64.1200(d)(1) by the Defendant when Defendant failed and/or refused to provide Plaintiff with a copy of Defendant's Do-Not-Call policy, in the amount of \$500.00.

**105.** As a result of Defendant's and Defendant's agents' knowing and/or willful violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$1,500 in trebled statutory damages, pursuant to the implied private right of action.

**WHEREFORE, Plaintiff prays for relief against defendants, and each of them, as follows:**

**I. Prayer for Relief**

On Causes of Action 1-4:

1. For awards of \$500 for each negligent violation as set forth in actions 1-4.
2. For awards of \$1,500 for each knowing and/or willful violation as set forth in actions 1-4.
3. Injunctive relief against Defendants, and each of them, to prevent future wrongdoing;

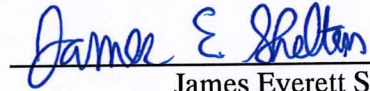
Total statutory damages: **\$28,500.00** (Eighteen (18) counts of: "Sales call to a number registered on the National Do-Not-Call Registry", and One (1) count of "Failure to Provide Defendants' Do-Not-Call Policy", with treble damages for each.)

4. Prejudgment interest at the maximum legal rate;
5. Costs of suit herein incurred; and
6. All such other and further relief as the Court deems proper.

**II. Demand for Jury Trial**

Plaintiff hereby demands a trial by jury on all claims so triable.

Dated: March 31, 2022



James Everett Shelton

*Plaintiff, Pro Se*

316 Covered Bridge Road

King of Prussia, PA 19406

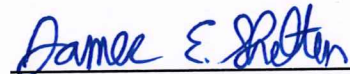
Phone: 484-626-3942

Jeshelton595@gmail.com

**VERIFICATION**

I, JAMES EVERETT SHELTON, Plaintiff, Pro Se, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 PA. C.S. § 4904 related to unsworn falsification to authorities.

Dated: March 31, 2022



JAMES EVERETT SHELTON

# **EXHIBIT 1**



3/31/22, 12:44 PM

Gmail - ATTN: James



Jamie Shelton &lt;jeshelton595@gmail.com&gt;

**ATTN: James**

3 messages

**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Mon, Nov 1, 2021 at 10:46 AM

Good morning James,

It was a pleasure speaking with you earlier in regards to financing for your business. I understand you're interested about 50k-100k in funding for a new truck.

All I need to get you qualified are your last 3 months of recent bank statements (Aug, Sept, Oct) as well as the 1 page application that I linked below. As soon as I receive this I will immediately work on getting an offer for you.

Please **tap here** to fill out the application. For your convenience, you can upload the last 3 months statements through the DocuSign link OR send them directly to my email.

Give me a call or shoot me an email if you have any questions or concerns. Thanks!

--

Speak soon,

Mark Petraglia  
Senior Funding Consultant  
New Bridge Merchant Capital LLC  
Main: 201-580-5679

**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Wed, Nov 3, 2021 at 11:06 AM

Good morning James,

Just wanted to check in with you here. Will you have any free time this week to get the statements and application over so I can get started on the 100k for you?

[Quoted text hidden]

**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Mon, Nov 8, 2021 at 10:50 AM

Good morning James,

Just wanted to touch base with you here in regards to our conversation from last week about getting you 50k-100k in funding for your business. Are you still interested in seeing options?

On Mon, Nov 1, 2021 at 10:46 AM Mark Petraglia <mark@newbridgmerchantcapital.com> wrote:  
[Quoted text hidden]

--

**Speak soon,**

**Mark Petraglia**  
**Senior Funding Consultant**  
[Quoted text hidden]

3/31/22, 12:44 PM

Gmail - ATTN: James

Main #: 1(201)-580-5679

Fax #: 1 (855) 518-7430

Email: Mark@newbridgmerchantcapital.com

[www.newbridgmerchantcapital.com](http://www.newbridgmerchantcapital.com)

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# **EXHIBIT 2**

12:28



+1 (732) 962-4843 >

Text Message  
Mon, Nov 1, 10:52 AM

Hey James its Mark with New Bridge this is my work cell. Just wanted to make sure you got the email I sent over with the application link. Did it come through?



Text Message





# **EXHIBIT 3**

3/31/22, 12:45 PM

Gmail - ATTN: James



Jamie Shelton &lt;jeshelton595@gmail.com&gt;

---

**ATTN: James**

4 messages

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**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Mon, Nov 1, 2021 at 10:46 AM

Good morning James,

It was a pleasure speaking with you earlier in regards to financing for your business. I understand you're interested about 50k-100k in funding for a new truck.

All I need to get you qualified are your last 3 months of recent bank statements (Aug, Sept, Oct) as well as the 1 page application that I linked below. As soon as I receive this I will immediately work on getting an offer for you.

Please **tap here** to fill out the application. For your convenience, you can upload the last 3 months statements through the DocuSign link OR send them directly to my email.

Give me a call or shoot me an email if you have any questions or concerns. Thanks!

--

Speak soon,

Mark Petraglia  
Senior Funding Consultant  
New Bridge Merchant Capital LLC  
Main: 201-580-5679

---

**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Wed, Nov 3, 2021 at 11:06 AM

Good morning James,

Just wanted to check in with you here. Will you have any free time this week to get the statements and application over so I can get started on the 100k for you?

[Quoted text hidden]

---

**Mark Petraglia** <mark@newbridgmerchantcapital.com>  
To: jeshelton595@gmail.com

Mon, Nov 8, 2021 at 10:50 AM

Good morning James,

Just wanted to touch base with you here in regards to our conversation from last week about getting you 50k-100k in funding for your business. Are you still interested in seeing options?

On Mon, Nov 1, 2021 at 10:46 AM Mark Petraglia <mark@newbridgmerchantcapital.com> wrote:

[Quoted text hidden]

--

**Speak soon,**

**Mark Petraglia**  
**Senior Funding Consultant**

[Quoted text hidden]

3/31/22, 12:45 PM

Gmail - ATTN: James

Main #: 1(201)-580-5679

Fax #: 1 (855) 518-7430

Email: Mark@newbridgmerchantcapital.com

www.newbridgmerchantcapital.com

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---

**James Shelton** <jeshelton595@gmail.com>  
To: Mark Petraglia <mark@newbridgmerchantcapital.com>

Fri, Nov 26, 2021 at 11:35 PM

Stop calling me.

Sent from my iPhone

[Quoted text hidden]

# **EXHIBIT 4**



3/31/22, 12:34 PM

Gmail - Request For 3 Months Of Bank Statements



Jamie Shelton &lt;jeshelton595@gmail.com&gt;

**Request For 3 Months Of Bank Statements**

6 messages

Mohammed Sabbir <moe@newbridgmerchantcapital.com>  
 To: "jeshelton595@gmail.com" <jeshelton595@gmail.com>

Tue, Jan 18, 2022 at 1:36 PM

*Good afternoon,*

*My name is Mohammed Sabbir. I work in the underwriting department at New Bridge Merchant Capital. We specialize in business funding based on the health of the business. I can get rid of excessive broker fees, obtain an approval within a few hours and fund you within one day for up to 150% of your monthly bank deposits/Revenue.*

*I would like to mention that if you have a current advance or loan out at the time, we are capable of giving a second, third, fourth and even fifth position as a Business Loan in which you would net the full amount of the approval. If you have any existing debt, tax liens, negative days or judgments we are still willing to work with you. We also provide the most flexible consolidation program in the industry paying off any type of debt you may have, with up to 30% discounts on early payoff.*

**WHY CHOOSE NBMC BUSINESS LOANS?**

- **FUNDING WITHIN 24 HOURS.**
- **LOAN TERMS STRETCH TO 24 MONTHS.**
- **NO COLLATERAL OR PERSONAL GUARANTEE.**
- **89% APPROVAL RATE.**

**Stipulations needed for qualification:**

- **Your last 3 month business bank statements**
- **Completed one page DocuSign Application**

--

*Speak soon,*

Mohammed Sabbir  
 Senior Funding Consultant  
 New Bridge Merchant Capital LLC  
 Main #: 1 (201) 582-3279  
 Fax #: 1 (855) 518-7430

James Shelton <jeshelton595@gmail.com>  
 To: Mohammed Sabbir <moe@newbridgmerchantcapital.com>

Tue, Jan 18, 2022 at 11:52 AM

3/31/22, 12:34 PM

Gmail - Request For 3 Months Of Bank Statements

Please stop calling me.

Sent from my iPhone

On Jan 18, 2022, at 10:38 AM, Mohammed Sabbir <moe@newbridgmerchantcapital.com> wrote:

[Quoted text hidden]

---

**Mohammed Sabbir** <moe@newbridgmerchantcapital.com>  
To: James Shelton <jeshelton595@gmail.com>

Tue, Jan 18, 2022 at 2:52 PM

I didn't call you once, just texted and emailed you?

[Quoted text hidden]

--

**Mohammed Sabbir**  
Senior Funding Specialist

**New Bridge Merchant Capital**

Toll Free #: 1 (844) 228-0593 X113

Direct: (201) 582-3279

Fax #: 1 (855) 518-7430

Email: moe@newbridgmerchantcapital.com

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**Mohammed Sabbir** <moe@newbridgmerchantcapital.com>  
To: James Shelton <jeshelton595@gmail.com>

Tue, Jan 18, 2022 at 2:53 PM

You may have got me confused with someone else.

[Quoted text hidden]

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**James Shelton** <jeshelton595@gmail.com>  
To: Mohammed Sabbir <moe@newbridgmerchantcapital.com>

Tue, Jan 18, 2022 at 11:57 AM

I'm not confused - I received a text message from you and a phone call.

Sent from my iPhone

On Jan 18, 2022, at 11:55 AM, Mohammed Sabbir <moe@newbridgmerchantcapital.com> wrote:

[Quoted text hidden]

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**Jamie Shelton** <jeshelton595@gmail.com>

Tue, Jan 18, 2022 at 12:07 PM

3/31/22, 12:34 PM

Gmail - Request For 3 Months Of Bank Statements

To: Mohammed Sabbir <moe@newbridgmerchantcapital.com>

Please send me a copy of your company's Do Not Call policy.

[Quoted text hidden]

# **EXHIBIT 5**



12:29



+1 (518) 635-0378 >

Text Message  
Tue, Jan 18, 10:37 AM

Mohammed Sabbir Senior  
Funding Specialist  
New Bridge Merchant Capital  
Toll Free #: 1 (844) 228-0593  
ex.113 Direct: (201)582-3279  
Fax #: 1 (855) 518-7430  
Email:  
moe@newbridgmerchantcapital  
.com

10:37 AM

As per conversation, email was  
sent. Let me know once you  
finish the application and I will  
work on it right away. Looking  
forward to hearing from you.

11:33 AM

Never called you my brother, we  
had a great conversation of you  
getting another truck on the  
road.

11:59 AM



Text Message





PRESS FIRMLY TO SEAL



PRE



1022



19106

U.S. POSTAGE PAID  
PM 2-Day  
MONROVIA, CA  
91016  
MAR 31, 22  
AMOUNT  
**\$8.95**  
R2303S102671-18



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MAIL

- Expected delivery date specified for domestic use.
  - Most domestic shipments include up to \$50 of insurance (restrictions apply).\*
  - USPS Tracking® included for domestic and many international destinations.
  - Limited international insurance.\*\*
  - When used internationally, a customs declaration form is required.
- \*Insurance does not cover certain items. For details regarding claims exclusions, see the Domestic Mail Manual at <http://pe.usps.com>.
- \*\* See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.



FLAT RATE ENVELOPE  
ONE RATE ■ ANY WEIGHT

TRACKED - INSURED

EXPECTED DELIVERY DAY: 04/04/22

USPS TRACKING® #



9505 5142 4800 2090 6551 25

To schedule free Package Pickup,  
scan the QR code.



USPS.COM/PICKUP

FROM:

James Everett Shelton  
316 Covered Bridge Rd  
King of Prussia, PA 19106

TO:

Clerk U.S. District Court  
601 Market Street  
Room 2609  
Philadelphia, PA 19106

